



DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: June 8, 2004

ZMAP 2002-0009—Goose Creek Preserve

DECISION DEADLINE: July 6, 2004 (as extended by Applicant)

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Lou Mosurak, AICP

EXECUTIVE SUMMARY

U.S. Home Corporation of Silver Spring, Maryland has submitted an application to rezone approximately 163.39 acres from the R-1 (Single Family Residential) to the PD-H4 (Planned Development—Housing 4) Zoning District, to be administered under the R-8 ADU (Single Family Residential with Affordable Dwelling Units) zoning district regulations, in order to develop up to 500 dwelling units (up to 202 single family detached dwellings, up to 128 single family attached dwellings, and up to 170 multi-family dwellings) at an approximate density (exclusive of major floodplain) of 3.10 dwelling units per acre, including 32 Affordable Dwelling Units (ADUs). Portions of the property are also subject to the Floodplain Overlay District (FOD). This application is subject to the Revised 1993 Zoning Ordinance. The Applicant is requesting several modifications (ZMODs) to the Zoning Ordinance and Land Subdivision and Development Ordinance (LSDO) regarding access, street, lot, building, yard, setback, and buffer requirements in order to develop a traditional design project; modifications regarding zoning district size and height limitations at the edge of the zoning district are also proposed; modifications are outlined below beginning on Page 4. The property is located on the west side of Belmont Ridge Road (Route 659) immediately south of the Dulles Greenway (Route 267) in the Dulles Election District. The area is governed by the policies of the Revised General Plan, which designate this area as part of the Suburban Policy Area (Ashburn Community), which recommends residential development at densities up to 4.0 units per acre.

RECOMMENDATIONS

Planning Commission

On April 19, 2004, the Planning Commission voted 6-3 (Herbert, Hsu, Tolle—opposed) to forward this application to the Board of Supervisors with a recommendation of approval, based on findings (listed on Page 6 of this report) and subject to the draft proffer statement dated April 23, 2004. (Draft proffers have been subsequently revised and are now dated May 25, 2004).

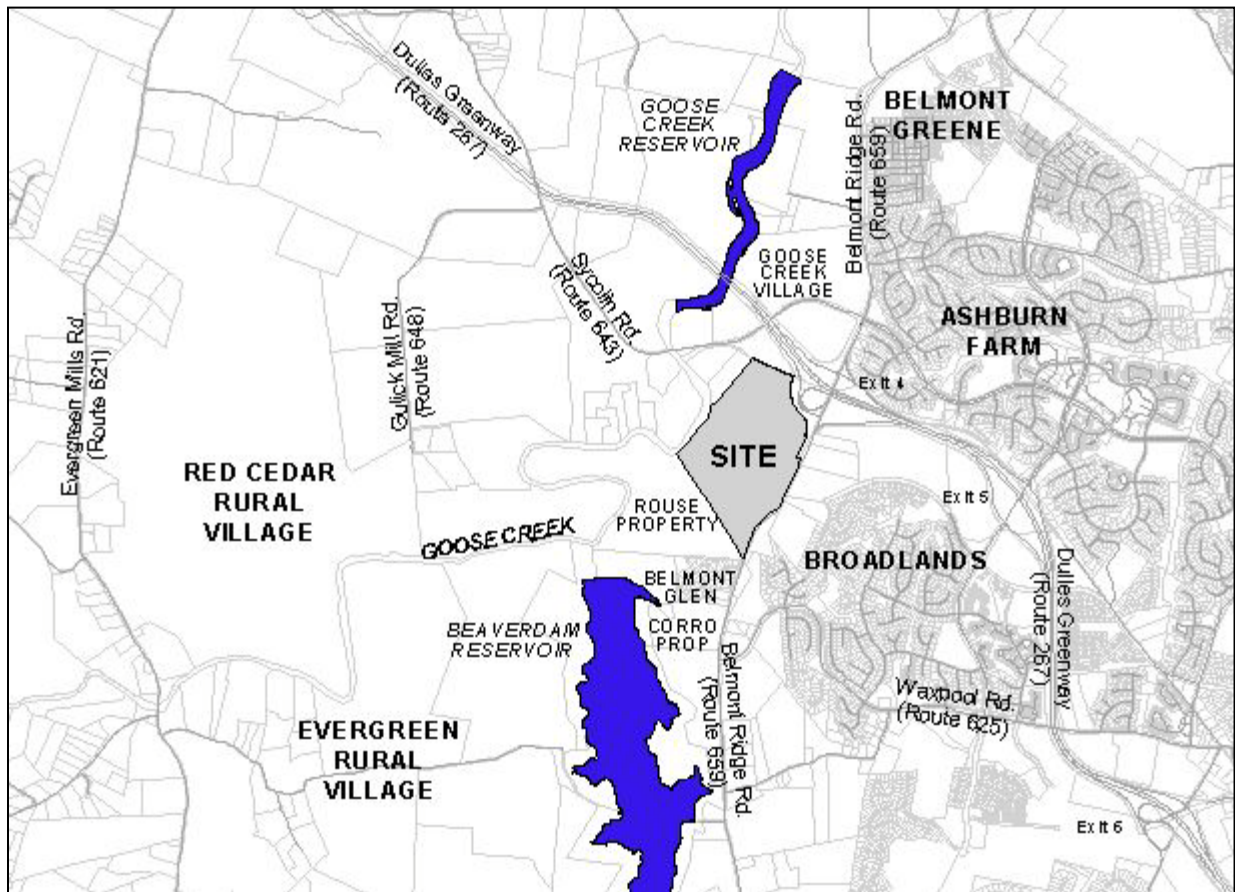
Staff

Subject to resolution of outstanding issues regarding capital facilities, transportation improvements, and proffer review, staff can support approval of the application.

SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward ZMAP 2002-0009, Goose Creek Preserve, to committee for further discussion.
OR
2. I move that the Board of Supervisors forward ZMAP 2002-0009, Goose Creek Preserve, to the July 6, 2004 Board Business Meeting for action.
OR
3. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take the Dulles Greenway (Route 267) east to Exit 4 (Belmont Ridge Road—Route 659). At end of ramp, turn right onto Route 659 south. Site is immediately on the right (west) side of Route 659 (21167 Belmont Ridge Road).

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I. APPLICATION INFORMATION

APPLICANT

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REPRESENTATIVE

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APPLICANT'S REQUEST

ZMAP (w/ZMOD): Rezone 163.4 acres to the PD-H4 zoning district, to be administered under the R-8 ADU (Single Family Residential with Affordable Dwelling Units) zoning district regulations, in order to develop up to 500 dwelling units (up to 202 single family detached dwellings, up to 128 single family attached dwellings, and up to 170 multi-family dwellings, including 32 ADUs) with the following modifications: (1) Zoning Ordinance Sections 1-205(A), 3-507(B), 3-507(E)(2), 3-508(B), 3-508(C), 3-511(A), 3-511(C), 4-110(B), 4-110(I)(2), 5-200(A), 5-200(B)(7), 5-1414(A), 7-803(A), 7-803(C)(1)(a), 7-803(C)(1)(b), 7-803(C)(1)(c), 7-803(C)(2)(a), 7-803(C)(3)(a), and 7-803(C)(3)(c) and LSDO Sections 1245.01(1), 1245.01(2), 1245.02 and 1245.05(1), regarding access, street, lot, building, yard, setback, and buffer requirements in order to develop a traditional design project (descriptions of each specific modification are provided on Page 13 below); (2) Zoning Ordinance Section 3-502, in order to permit the maximum allowable district size to exceed 50 acres; and (3) Zoning Ordinance Section 4-109(E), in order to modify the height limitations for residential units at the edge of the PD-H4 zoning district to permit heights up to 35 feet.

LOCATION

West side of Belmont Ridge Road (Route 659) immediately south of the Dulles Greenway (Route 267) in the Dulles Election District.

TAX MAP/PARCEL #s

Tax Map 78, Parcels 7 and 8
(MCPI#s 154-37-0101 and 154-16-4753)

ZONING

R-1

ACREAGE OF REQUEST SITE

Approximately 163.4 acres

SURROUNDING ZONING/ LAND USES

	ZONING	PRESENT LAND USES
North	TR-10, R-1	Transitional, Goose Creek, Undeveloped
South	R-1	Residential
East	R-1, PD-H3, PD-OP	Undeveloped, Residential
West	TR-10	Transitional, Goose Creek

II. SUMMARY OF DISCUSSION	
Topic/Issue Area	Issues Examined and Status
Comprehensive Plan	Conformance with <u>Revised General Plan</u> (Conservation Design, Green Infrastructure, Site Design, Open Space, etc) – no outstanding issues.
Fiscal Impact	Capital Facilities Contributions – proposed contribution is approximately \$3.9 million less than the amount anticipated by current County policy – issue not resolved. <i>(Note: On June 1, 2004, the Board of Supervisors will consider a recommendation from the Land Use Committee to modify the Capital Intensity Factor and proffer calculation. Staff will update the Board at the Public Hearing on any changes to County policy adopted since the publication of this report).</i>
Zoning	Compliance with <u>Revised 1993 Zoning Ordinance</u> and modifications necessary to implement proposed design – no outstanding issues.
Environmental	Site design, with particular respect to Goose Creek and the water supply watershed for the City of Fairfax's Goose Creek Reservoir – no outstanding issues.
Transportation	Route 659 corridor improvements and coordination with other developers in the vicinity as part of a "road club" – further discussion regarding coordination necessary.
Utilities	Adequate utility provision to the site – no outstanding issues.
Public Schools	Student generation from proposed development; current and school boundaries and capacities – no outstanding issues.
Emergency Services	Site access and contributions to volunteer emergency service providers – no outstanding issues.
Proffers	<p>Proffer statement not approved as to legal form.</p> <p><u>Cash Contribution Summary</u></p> <ul style="list-style-type: none"> • Capital facilities proffer of \$8,707.82/market rate unit (total of \$4,075,259.70); not consistent with current County policy, which anticipates contribution of \$15,989.41 per market rate unit (total of \$7,994,707.94). • Regional Road contribution of \$5,762.29 per market rate unit (total of \$2,696,750.00) for improvements to Route 659 south of the site to Truro Parish Drive. • Fire & Rescue contribution of \$120.00 per market rate unit (total of \$56,160.00). Contribution to be escalated from base year of 1988. Consistent with other recent approvals.

III. PLANNING COMMISSION REVIEW & RECOMMENDATION

The Planning Commission held a public hearing on this application on April 19, 2004. Two (2) members of the public spoke regarding the application, both in opposition, with comments centering on transportation and the proposal's impacts to neighboring properties. The

Commission asked questions regarding capital facilities contributions, site design, private streets and transportation. With respect to transportation, particularly the Applicant's proposed improvements to Route 659, the Commission asked detailed questions of the Applicant regarding the extent of the improvements proposed. The Commission voted 6-3 (Herbert, Hsu, Tolle—opposed) to forward this application to the Board of Supervisors with a recommendation of approval, based on the following findings and subject to the draft proffer statement dated March 30, 2004. Proffers reflecting the Applicant's transportation commitments presented at the Public Hearing were not available at that time, and were provided to staff on May 7, 2004. (Proffers have been subsequently revised and are now dated May 25, 2004). As of this writing, proffers are not finalized and discussions with the Applicant are ongoing; signed proffers will be available at the Board Public Hearing.

Planning Commission Findings

1. The proposed rezoning is consistent with the land use and density policies of the Revised General Plan.
2. The proposed rezoning, as modified, complies with the applicable requirements of the Revised 1993 Zoning Ordinance.

IV. PROJECT REVIEW

A. CONTEXT

U.S. Home Corporation of Silver Spring, Maryland has submitted an application to rezone approximately 164 acres from the R-1 (Single Family Residential) to the PD-H4 (Planned Development—Housing 4) Zoning District, to be administered under the R-8 ADU (Single Family Residential with Affordable Dwelling Units) zoning district regulations, in order to develop up to 500 dwelling units at an approximate density (exclusive of major floodplain) of 3.10 dwelling units per acre. The subject property, between Goose Creek and Belmont Ridge Road (Route 659), is located at the western edge of the Suburban Policy Area (Ashburn Community) as designated by the Revised General Plan. The site lies downstream from Beaverdam Reservoir and upstream from Goose Creek Reservoir. Currently, a farm complex occupies the site, accessed by a gravel driveway off of Route 659. The site is a mix of wooded areas and open fields with hedgerows, with the majority of the proposed development to occur on the open portions of the site. There are significant steep and very steep slope areas on the site; these areas, as well as those areas containing hydric soils, have largely been avoided in the proposed design. A minimal amount of Goose Creek floodplain exists along the western boundary of the site; with the exception of an easement for a future natural surface trail, development is not proposed within this area. The Applicant is proposing a small public park (approximately four (4) acres in size) at the southern end of the property as well as various homeowner association-owned greens and tot lots throughout the development. A community center and day care center are also proposed.

Regarding other development activity in the surrounding area, to the west of the site is Goose Creek and the Transition Policy Area (Lower Sycolin Sub Area), where lower density development is planned. By-right residential development is occurring in this area. To the north is the Dulles Greenway and the proposed Goose Creek Village South rezoning application (ZMAP 2003-0009), which proposes approximately 100 townhomes at a density

of approximately 3.10 units/acre. To the east, across Route 659, are Sections 100 and 102 of Broadlands, including the proposed HCA Broadlands Regional Medical Center site. The adjacent property to the south is the proposed Belmont Glen/Rouse Property development (formerly ZMAP 2002-0007 which is being reconsidered by the Board of Supervisors as ZMAP 2004-0006), which proposes up to 196 single family detached homes at an approximate density of 1.87 units/acre, with significant land dedications along Goose Creek. South of the proposed Belmont Glen/Rouse Property development is the existing section of Belmont Glen (ZMAP 1997-0002, RZPA 1999-0001), containing 49 single family detached homes at a density of approximately 1.8 dwelling units/acre, as well as the approved Corro Property development (ZMAP 2002-0012), which will contain up to 94 single family detached units at an approximate density of 2.39 dwelling units/acre.

This site is located within the water supply watershed of the Goose Creek Reservoir, which is the source of drinking water for the City of Fairfax and, through LCSA, much of eastern Loudoun County. LCSA has recently completed its Goose Creek Source Water protection Study, which includes specific recommendations regarding site design techniques. The Applicant has proffered to utilize low impact design and BMPs to filter runoff and protect water quality in Goose Creek. The Applicant has proffered to submit for LCSA review and approval, at the time of submission of construction plans and profiles, a conceptual water quality analysis for the site.

B. SUMMARY OF OUTSTANDING ISSUES

1. The Applicant has not adequately mitigated its capital facilities impacts through proffer contributions; revised capital facilities figures were adopted by the Board of Supervisors in November 2003; the Applicant is basing its contributions on amounts in effect prior to that time. On June 1, 2004, the Board of Supervisors will consider a recommendation from the Land Use Committee to modify the Capital Intensity Factor and proffer calculation. Staff will update the Board at the Public Hearing on any changes to County policy adopted since the publication of this report.
2. Further discussion and coordination is needed with respect to the proposed improvements to the Belmont Ridge Road (Route 659) corridor in the vicinity of the project.
3. The Applicant has not fully responded to the proffer comments provided by the Office of the County Attorney; the proffer statement has not been approved as to legal form.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The proposed development is governed by the Revised General Plan and Revised Countywide Transportation Plan (Revised CTP). The Revised General Plan designates the property for residential uses and is governed by the Plan's Suburban Area policies.

The proposed rezoning to the PD-H4 zoning district is in conformance with the land use policies, as the Revised General Plan designates the area for residential uses. The Revised General Plan states "The County may permit residential rezonings at densities up to 4.0 dwelling units per acre in Residential Neighborhoods ... in accordance with the policies specific to each type of Residential Land Use." The Applicant is proposing an overall density

of 3.10 dwelling units/acre, which is consistent with the densities prescribed in the Suburban Area policies of the Revised General Plan.

Conservation Design

The County recognizes its Green Infrastructure as a “collection of natural, cultural, heritage, environmental, protected, passive and active resources that will be integrated in a related system” (Revised General Plan, Policy 1, p. 5-3). The Plan further states that “Conservation design places a priority on preserving both sensitive environmental and man-made elements of a site. Site development will take place around these elements, incorporating them into the design” (Revised General Plan, text, p. 6-3). The Revised General Plan states that all new development proposals in the Suburban Policy Area will be designed using the Conservation Design approach (Revised General Plan, Policy 5, p. 6-3).

The current Concept Development Plan (CDP) has been revised to incorporate many staff comments, and illustrates a mix of 500 dwelling units. The conservation design approach has been followed as the lot lines on the subject property have been drawn outside of the Goose Creek floodplain, proffered areas of former River and Stream Corridor Overlay District (RSCOD) and steep slope portions of the site. The CDP depicts the 300-foot no build buffer along Goose Creek as specified by Revised General Plan policy, which is in excess of the 200-foot Scenic Creek Valley Buffer required by the Revised 1993 Zoning Ordinance. Areas outside of this buffer but within the areas of steep slopes are proposed to be maintained as an HOA-controlled open space preserve, with proffers governing the limited disturbance and tree removal that is anticipated within this area. The vast majority of the development is proposed on the open portions of the site (former pastures and hayfields) and retains most forested portions of the site.

Greenbelt and Proximity to Goose Creek

The single most important environmental feature in the immediate vicinity is the Goose Creek, a state-designated Scenic River, which forms the western boundary of the site and flows into the Goose Creek Reservoir. This reservoir is the drinking water source for the City of Fairfax. LCSA purchases a portion of this water from Fairfax City for use in eastern Loudoun County.

The Revised General Plan states that “to further protect public water supply reservoirs and their contributing streams beyond established protection buffers, the County encourages the clustering of development away from designated public water sources and reservoirs and their buffers” (Revised General Plan, Policy 12, p. 5-12). The Applicant has designed the project to respect the intent of this policy and to help establish a wider greenbelt to protect the Goose Creek and its safety as a drinking water source; lots closest to Goose Creek are approximately 440 feet from the stream channel. The CDP depicts the 300-foot no build buffer along Goose Creek as specified by Revised General Plan policy and in excess of the 200-foot Scenic Creek Valley Buffer required by the Revised 1993 Zoning Ordinance. Also, the Applicant has proffered to incorporate low impact BMPs into the site design; specifics are to be determined during later stages of the development process; conceptual measures are provided on Sheet 10 of the CDP. The Applicant has also proffered to provide a tree conservation plan for the portion of the development in proximity to Goose Creek that is remain as open space.

Cultural Resources

The Applicant has completed a Phase I archaeological survey on the property. Possible Civil War era trenches are thought to be located on the southwestern portion of the site; this area is proposed to remain undisturbed and thus no further mitigation is recommended. Prior to any land disturbing activity, the Applicant has proffered to provide a reconnaissance level architectural survey for the existing farm structures slated for demolition.

Site Design

The Revised General Plan states that residential neighborhoods should have a variety of housing types and lot sizes, and they are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure. Design guidelines included in the implementation section of the Revised General Plan outline key design features to be addressed in these developments (Revised General Plan, text, p. 6-14). The Revised General Plan states that residential neighborhoods will exhibit the following design characteristics desired by the County:

- Compact site layout to reduce trips within the neighborhood, facilitate alternative forms of transportation, preserve the Green Infrastructure, and result in reduced transportation and utilities infrastructure costs;
- Pedestrian-scale streetscape including such features as street trees, sidewalks along all street frontage, and street lighting;
- A predominantly interconnected street pattern with inter-parcel connections;
- A combination of neighborhood parks, squares, and greens located throughout the neighborhood within 1,500 feet of all residences, and a formal civic square or other public space located in conjunction with a civic facility, neighborhood center, or other use, to create a focal point for the community;
- The location of public and civic uses such as churches and community centers in prominent sites to act as landmarks within the neighborhood;
- A variety of lot sizes (Revised General Plan, Policy 4, p. 6-14).

The Applicant is proposing a variety of housing types on the property, including single family detached, duplex, townhouse, and multi-family (town-over-town and 2-over-2) units in a neo-traditional setting. Illustratives are provided in the Applicant's attached design booklet. Some of the proposed units are "reverse frontage" lots, facing onto common greens instead of a street. The proposed design is compact and incorporates common areas and focal points, such as the proposed parade green (with roundabout) and adjacent clubhouse and day care center.

Open Space

The Revised General Plan anticipates that suburban residential communities will have a land use mix supporting at a minimum 30% of the total land area in Public Parks & Open Space. No more than 25% of the required perimeter buffer can be applied. The CDP shows that open spaces, including active recreation areas, account for approximately 75 acres, or 46% of the subject site (CDP, Sheet 5 of 10). This acreage includes the approximately four (4) acres to be dedicated to the County for a public park/passive recreational area (Trailhead

Community Park, Landbay II), 43 acres as an open space preserve (owned by the HOA) along Goose Creek, the parade green inside of the proposed roundabout as well as various tot lots. Further discussion of the public dedication area is provided below under “Parks & Recreation”.

FISCAL IMPACT

Capital Facilities Contribution

Under the Revised General Plan, the County anticipates developer assistance at 100% of the capital facility cost per market rate dwelling unit above the base density of the site at the time of rezoning application. Currently, this amount is estimated at \$37,028.00 per single family detached home, \$23,429.00 for a single family attached home, and \$13,361.00 per multi-family home (market rate units only). Based on a base density of one (1) dwelling unit per acre for the 163.4 acre-property, the County anticipates a total contribution of approximately \$7,994,707.49, or \$15,989.41 per unit. These figures reflect the amounts adopted by the Board of Supervisors on November 17, 2003. Capital facilities worksheets are provided as part of *Attachment 1a, Page A-1*.

The Applicant is proffering capital facilities contributions based on the figures in effect prior to November 17, 2003. The Applicant is proffering a total contribution of \$4,075,259.70, or \$8,707.82 per market rate unit. The Applicant's contribution is approximately \$3.9 million less than the anticipated amount. In its response to the most recent Community Planning referral, the Applicant has stated that the proffered amounts, based on figures in effect prior to November 17, 2003, are justified because it is providing a transportation contribution in excess of the amount requested by staff.

On June 1, 2004, the Board of Supervisors will consider a recommendation from the Land Use Committee to modify the Capital Intensity Factor and proffer calculation. Staff will update the Board at the Public Hearing on any changes to County policy adopted since the publication of this report.

ZONING

There are no zoning issues that would preclude approval of the rezoning application. With proposed modifications, the proposal meets all Revised 1993 Zoning Ordinance requirements for the PD-H4 and R-8 ADU (Affordable Dwelling Unit)¹ Zoning Districts as well as the Floodplain Overlay District (FOD). (The Applicant has chosen to retain the former River and Stream Corridor Overlay District (RSCOD) designation on the plat, which is not an issue as the Applicant's proffered design does not impact the former RSCOD area and exceeds minimum setback requirements from Goose Creek). The 25 Zoning Ordinance and LSDO modifications are divided into three (3) categories and are discussed below beginning on Page 13. The Applicant is providing the required 6.25% Affordable Dwelling Units (ADUs) on the property (32 units), included in the 500 total units proposed, pursuant to Article 7 of the Revised 1993 Zoning Ordinance. The ZMAP application is not subject to recent Zoning

¹ Because the Applicant is providing ADUs on site, it may utilize the R-8 ADU zoning district for the entire rezoning area. The R-8 ADU district allows for smaller building lots, reduced lot width and yard requirements, and increased lot coverage requirements as compared to the conventional R-8 zoning district.

Ordinance amendments regarding ADUs (ZOAM 2003-0002) as the Applicant had responded to first referral comments prior to adoption of these amendments.

ENVIRONMENTAL

As mentioned above, this site is situated along Goose Creek just upstream from the Goose Creek Reservoir, a major source of drinking water for much of Loudoun County. The Goose Creek Scenic River Advisory Committee has also reviewed this application; its concerns have been addressed by the Applicant.

PARKS & RECREATION

Policy direction from the Revised General Plan regarding park development “encourages the contiguous development of regional linear parks, trails, and natural open space corridors to provide pedestrian links and preserve environmental and aesthetic resources” (*Revised General Plan, Policy #3, p. 3-14*). The Applicant is proposing an easement dedication to accommodate a pervious surface trail along Goose Creek; such a trail could potentially connect with future trails within easements and dedicated areas on adjacent properties on the east side of Goose Creek. Other parks and open spaces, to be controlled by the HOA, are also proposed throughout the development, including approximately 4 acres at the southern end of the site proposed to be developed and dedicated to the County for use as a public park; this area is referred to as “Trailhead Community Park,” and as its name suggests, would provide an access point for the various trails that are being proffered as part of this project as well as adjacent projects along Goose Creek. The Applicant is proffering to construct a pervious parking area for up to 15 vehicles as well as a picnic area and tot lot within this area, leaving much of the existing tree stand intact. All issues with trail access to Goose Creek have been resolved.

TRANSPORTATION

Vehicular

The Applicant would construct all internal streets within the proposed development (some of which are private and are the subject of zoning modifications discussed later in this report). Public streets, indicated on the plat, would be constructed to VDOT standards; private streets would be constructed to Loudoun County LSDO and FSM standards. Construction is proposed to be divided into two (2) phases, with Phase I permitting development of up to 300 residential units, with the balance (200 units) occurring in Phase II. The primary point of access to the site would be from Route 659 directly opposite Broadlands Boulevard. An additional public street access to Route 659 is provided near the southern end of the property, adjacent to the proposed public park. An interparcel connection is proposed with the Rouse Property development to the southwest; the location of this access point has been coordinated with that development. Proffers also preclude construction traffic from accessing the site through the Rouse Property, requiring trucks to access this site directly from Route 659. Regional road improvements are also proposed to be phased, with the Applicant ultimately dedicating the necessary right-of-way and constructing frontage improvements along the site’s Route 659 frontage. Regional road contributions and construction is discussed further below; proffer discussions are ongoing.

Bicycle & Pedestrian

The Applicant proposes to provide a paved multi-use trail along the site's Route 659 frontage. South of the entrance opposite Broadlands Boulevard, the trail is to be 10 feet in width, (to match with the section proposed as part of the Rouse Property), while north of the entrance opposite Broadlands Boulevard, the trail is to be eight (8) feet in width. This multi-use trail will connect to the Goose Creek Village South development to the north. Additionally, sidewalks and trails are proposed throughout the development, with sidewalks provided along both sides of all internal streets. As mentioned above, a pervious surface trail is proposed along Goose Creek.

Cash Contributions and Regional Road Construction

The Applicant is proffering to construct a four-lane divided section of Route 659 from Broadlands Boulevard to the project's southern boundary, and is also proffering \$5,762.29 per market rate unit on site (\$2,696,750.00 total) for off-site improvements to Route 659 (south of the project's southern boundary) as part of the "road club" of various developers along this section of road (south to Truro Parish Drive). This amount is approximately \$1,093,750.00 in excess of the amount requested by staff (staff's amount of \$3,206.00 per unit (including ADUs) was based on the Applicant's appropriate "fair share" contribution derived from the project's trip generation figures and VDOT cost estimates). Discussions regarding the "road club" are still ongoing, and proffers regarding coordination of improvements (and contingencies for reimbursement if improvements are made by others) are still under review. Conceptually, staff supports such an approach; however, further discussion is needed regarding the proffers to ensure that all proposed improvements are included.

UTILITIES

Public water and sewer are available by extension of existing nearby LCSA utilities. Water service is dependent on the Broadlands booster pump station and would require water mains to be extended across Route 659. Sewer service would require an offsite pump station. Coordination with LCSA regarding both water and sewer service is necessary. All existing wells and drainfields on the subject property would be properly abandoned.

EMERGENCY SERVICES

This site is currently served by the Ashburn Volunteer Fire and Rescue Company (Company 6) on Ashburn Road, approximately 2.8 miles from the property. The Applicant has proffered a contribution of \$120.00 per market rate residential dwelling unit to the primary volunteer Fire and Rescue companies serving the property. If the project were to be built out, this contribution would total \$56,160.00 (\$56,160.00 in 1988 dollars escalates to \$90,653.00 in 2004 dollars). There are no issues with access to the site.

SCHOOLS

The school district referral evaluated this application based on a total of 500 new homes. Approximately 246 students (134 elementary, 55 middle, and 57 high school) would be generated by this rezoning. The Applicant is not proffering the recommended capital facilities contributions.

Currently, the Goose Creek Preserve site is served by Hillside Elementary School, Eagle Ridge Middle School and Stone Bridge High School. According to the most recent enrollment figures obtained from the school board planning office (March 2004), Stone Bridge High School would exceed its program capacity with the addition of the students generated by this application, while Hillside Elementary is currently above its program capacity. Eagle Ridge Middle School could accommodate the projected middle school students. However, new schools are scheduled to open in Fall 2004 (Belmont Station Elementary School and Mercer Middle School) and Fall 2005 (Brambleton Elementary School, Briar Woods High School and Freedom High School) that will largely result in redistribution of students to facilities in the Ashburn area with adequate program capacities. Ultimately, this site will be served by Hillside Elementary, Eagle Ridge Middle, and Briar Woods High Schools.

COUNTY ATTORNEY

The most recent draft proffer statement (May 25, 2004) is included as *Attachment 5, Page A-133*. This document was received on May 25, 2004 and has not been reviewed by the County Attorney. The most recent County Attorney proffer comments (May 13, 2004) are provided as *Attachment 1o, Page A-85*. Proffers have not been approved as to legal form, and additional discussion with the Applicant is ongoing. Signed proffers will be available at the Public Hearing.

D. ZONING ORDINANCE MODIFICATIONS

Section 6-1504 of the Revised 1993 Zoning Ordinance states "The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. ... No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project."

The Applicant requests a total of 25 modifications (21 Zoning Ordinance and 4 LSDO) to the PD-H4 and R-8 ADU district regulations. Overall, these modifications are necessary for the Applicant to implement the traditional design option and conservation design policies. Staff is satisfied that the modifications exceed the public purpose and accepts the Applicant's justifications.

Modifications 1 through 23:

MODIFICATION OF ACCESS, STREET, LOT, BUILDING, YARD, SETBACK, AND BUFFER REQUIREMENTS FOR A TRADITIONAL DESIGN PROJECT

ZONING ORDINANCE SECTIONS: 1-205(A), 3-507(B), 3-507(E)(2), 3-508(B), 3-508(C), 3-511(A), 3-511(C), 4-110(B), 4-110(I)(2), 5-200(A), 5-200(B)(7), 5-1414(A), 7-

803(A), 7-803(C)(1)(a), 7-803(C)(1)(b), 7-803(C)(1)(c), 7-803(C)(2)(a), 7-803(C)(3)(a), and 7-803(C)(3)(c).

LSDO SECTIONS: Sections 1245.01(1), 1245.01(2), 1245.02, and 1245.05(1)

Proposed Zoning Ordinance Modifications:

- (a) ***Modify Section 1-205(A) to permit access to lots from the rear for units that face a green or open space;***
- (b) ***Modify Section 3-507(B) to reduce the lot width for single family detached lots from 50' to 35';***
- (c) ***Modify Section 3-507(E)(2) to reduce the setback for front entry garages for single family detached units from 20' behind the front line of the building to even with the front line of the building;***
- (d) ***Modify Section 3-508(B) to permit a maximum building height of 45' for Two-Over-Two multi-family units and 55' for Town-Over-Town multi-family units;***
- (e) ***Modify Section 3-508(C) to increase the maximum number of dwelling units per multi-family structure from 8 to 12;***
- (f) ***Modify Section 3-511(A) to reduce the setback from public streets from 25' to 10';***
- (g) ***Modify Sections 3-511(C) and 4-110(B) to permit access to single family detached units from private streets;***
- (h) ***Modify Section 4-110(I)(2) to eliminate the 50 foot buffer yard required between internal landbays;***
- (i) ***Modify Section 5-200(A) to permit garages to be located in the front yard of all lots that face a green but are accessed by a private access easement or alley;***
- (j) ***Modify Section 5-200(B)(7) to permit the location of garages within the front and side yards for residential units that face a green or open space but are accessed by a private access easement or alley;***
- (k) ***Modify Section 5-1414(A) to eliminate buffer yards required between residential units for internal blocks and land bays within the development;***
- (l) ***Modify Section 7-803(A) to permit a minimum lot size of 3,500 square feet for single family detached units;***
- (m) ***Modify Section 7-803(C)(1)(a) to reduce the minimum front yard for single family detached units from 15 feet to 10 feet;***
- (n) ***Modify Section 7-803(C)(1)(b) to reduce the minimum side yard for single family detached units from 8 feet to 6 feet with as long as a minimum separation between units of 12 feet is maintained or reduce the minimum side yard from 8 feet to zero on one side to provide for zero lot line development as long as a minimum yard of 12 feet is maintained on the other side;***
- (o) ***Modify Section 7-803(C)(1)(c) to reduce the minimum rear yard for rear-loaded single family detached units that face a green or open space from 25' to 10';***
- (p) ***Modify Section 7-803(C)(2)(a) to reduce the minimum front yard for duplex and townhouse lots from 15 feet to 10 feet;***
- (q) ***Modify Section 7-803(C)(3)(a) to reduce the minimum front yard for multi-family lots from 20 feet to 10 feet; and,***
- (r) ***Modify Section 7-803(C)(3)(c) to eliminate the rear yard for Town-Over-Town multi-family residential units which have access to the buildings from the front and rear.***

Applicant's Justification:

The Revised General Plan recommends that residential developments employ conservation design techniques in order to preserve greater amounts of open space and significant environmental features of the site. The proposed development plan for Goose Creek Preserve evolved based largely on the site's Green Infrastructure characteristics, and the project will protect many of the site's significant environmental features. Modifications of the various access, yard, lot, and buffer requirements is necessary in order to develop the Property in a traditional design while utilizing Conservation Design techniques. The above-listed modifications will not result in an increase to the overall density of the project above that which would otherwise be permitted if developing slightly larger lots. The overall base density will be 2.8 units per acre (3.1 per acre including ADUs) instead of the 4.0 units per acre permitted by the Revised General Plan policies. The modifications, however, do result in the implementation of conservation design techniques and an increase in the amount of open space that can be preserved from 30% to approximately 46%. This amount of open space exceeds the amount of open space recommended by the policies of the Revised General Plan and the amount required by the ADU R-8 district regulations of the Zoning Ordinance. Since it is not possible to implement the County's innovative conservation and traditional design policies without modifications of the existing Zoning Ordinance requirements, the above-listed modifications are requested.

Staff Analysis and Recommendation:

Overall, staff supports the proposed modifications as they are necessary to implement Conservation Design and preserve the Green Infrastructure as envisioned by the Revised General Plan. Staff notes that the number of modifications proposed is largely due to the various unit types (detached, duplex, attached, multi-family) proposed on the Property. The number of modifications could be reduced if portions of the site were to be administered as R-16 instead of R-8.

Modification 24:

DISTRICT SIZE

ZONING ORDINANCE SECTION: **3-502**

Proposed Modification:

Permit the size of the R-8 District to exceed 50 acres for land bays that are administered pursuant to the R-8 District regulations when property is zoned to the PD-H District.

Applicant's Justification:

Section 4-104(C)(1), Development Requirements (including lot, building, utility, open space buffer, setback and access requirements), of the Zoning Ordinance requires that "the approved Concept Development Plan for a PD-H district shall designate which individual land bays of the proposed district shall be developed for residential uses pursuant to Low Density (R-1, R-2, and R-3), Medium Density (R-4, R-8), or High Density (R-16, R-24) district regulations, the maximum size of the land bay and number of units per land bay to be developed. Residential uses in the PD-H districts shall follow those requirements set forth in the ... R-8...zoning districts respectively as designate on the preliminary plan." Goose Creek

Preserve is proposed to be zoned to the PD-H4 Zoning District and is proposed to be administered in accordance with the requirements of the applicable R-8 and R-8 ADU regulations pursuant to Section 4-104(C)(1). The project has been divided into five different land bays in order to identify the unit types, open space, etc. associated with each land bay. The land bays also indicate generally the phasing of the planned development, although more than one land bay may be constructed at the same time in order to provide adequate infrastructure and amenities for the community during development. Lot, building, utility, open space buffer, setback and access requirements for the R-8 and R-8 ADU Districts, as modified above, shall govern the development of the individual land bays. As the Property is not planned to be zoned to either the R-8 or R-8 ADU Districts, it is appropriate to modify the district size for these districts so that the provisions of these districts as contemplated by Section 4-104(C)(1) may be administered.

Staff Analysis and Recommendation:

While the Zoning Ordinance permits a maximum R-8 development of 50 acres, the Applicant requests a rezoning for the entire 163.4-acre development, consisting of various unit types, to the R-8 district. (Five (5) land bays are proposed, each of which is less than 50 acres in size). While staff can support the modification as proposed, it may be more appropriate for the Applicant to request that the single-family attached and multi-family portions of the development be administered under the R-16 district regulations, as fewer overall modifications would be necessary.

Modification 25:

BUILDING HEIGHT AT EDGE OF PD-H DISTRICT

ZONING ORDINANCE SECTION: 4-109(E)

Proposed Modification:

Modify the height limitation for all residential units located at the edge of the PD-H4 zoning district (southern and western property boundaries) to permit building heights for single family detached units up to 35 feet.

Applicant's Justification:

The height of the single family detached units proposed to be located along the southern and western Property boundaries will be constructed to a maximum building height of 35 feet. The height of these units will be the same as the single-family residential units planned to be constructed in the adjacent Belmont Glen/Rouse community. The proposed units in the adjacent community will be located approximately 100 feet from the closest residential structure in Goose Creek Preserve. Fifty feet of the intervening area will be preserved as a common buffer area which will mitigate any impacts of increased height for units constructed within Goose Creek Preserve.

Staff Analysis and Recommendation:

The Applicant has adequately justified the modification request for a maximum single family detached building height of 35 feet along the southern and western property lines. Staff notes that a 50-foot Type 2 Buffer is being provided, and the building height proposed is consistent with building height limits proposed for the adjacent Rouse Property development. Staff supports the proposed modification.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states " ... (i)f the application is for reclassification of property to a different zoning district classification on the Zoning Map ..., the Planning Commission shall give reasonable consideration to the following matters ...":

Standard *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

Analysis The proposed rezoning is consistent with the land use policies and recommended densities in this part of the County as set forth in the Revised General Plan.

Standard *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

Analysis The density proposed by this application is similar to other proposed or recently approved applications in the vicinity. The site would serve as an effective buffer at the western edge of the Ashburn Community.

Standard *Whether the range of uses in the proposed zoning district classification is compatible with the uses permitted on other property in the immediate vicinity.*

Analysis The uses permitted in the proposed zoning district (PD-H4 to be administered as R-8 ADU) are similar to those proposed on the parcel to the south (Belmont Glen—Rouse Property) as well as other projects in the vicinity. The site is at the western edge of the Suburban Policy Area (Ashburn Community), with the Transition Policy Area (Lower Sycolin Sub Area) situated just across Goose Creek. The Applicant is proffering a significant open space along Goose Creek, which would provide a substantial setback from the western edge of the property and policy area boundary.

Standard *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

Analysis Adequate facilities exist or are planned in this area. The Applicant's proffer contributions, however, do not mitigate the development's capital facilities impacts. Transportation proffers need to be further clarified. Additional discussion on both of these issues is needed.

Standard *The effect of the proposed rezoning on the County's ground water supply.*

Analysis The proposed development is to be served by public water and sewer. Any and all wells and drainfields on the property will be properly abandoned.

Standard *The effect of the uses allowed by the proposed rezoning on the structural capacity of the soils.*

- Analysis The Applicant has designed the site to avoid most areas with hydric soils; soils on the site are generally suitable for development purposes.
- Standard *The impact that the uses permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*
- Analysis The Applicant is proffering to dedicate the right of way necessary for a half section of Belmont Ridge Road (Route 659) along the site's frontage. Construction of Route 659 improvements in the vicinity of the project is proposed to be coordinated with other developers in the vicinity as part of a "road club." Additional discussion on this coordination, with respect to the proffer statement, is needed. Trails are planned within the development as well as to adjacent developments and to the proposed trail along Goose Creek. Additional discussion on the Goose Creek trail access is needed. Regarding constriction traffic, the Applicant has proffered to prohibit construction vehicles from accessing the site through the adjacent proposed Rouse Property development.
- Standard *Whether a reasonably viable economic use of the subject property exists under the current zoning.*
- Analysis The property was re-mapped by the Board of Supervisors, effective January 7, 2003, to the R-1 district (one dwelling unit per acre). Given site constraints, staff estimates that approximately 140 single-family detached homes could be constructed on the property by-right.
- Standard *The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.*
- Analysis The proposed design provides a large open space area along the site's western boundary with Goose Creek and provides for significant open space throughout the development. The Applicant has proffered to incorporate low impact BMPs into the site design, with specifics to be determined during later stages of the development process in conjunction with LCSA.
- Standard *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*
- Analysis The application proposes residential development in an area planned for such uses.
- Standard *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

- Analysis The proposed rezoning is in conformance with the land use and density policies of the Revised General Plan, which call for residential development at this location.
- Standard *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*
- Analysis The Applicant is not mitigating the project's capital facilities impacts; the proposed proffer is approximately \$3.9 million less than what is currently anticipated by County policy.
- Standard *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*
- Analysis The proposed rezoning is consistent with the land use and residential density policies in this part of the County as set forth in the Revised General Plan. The Plan calls for residential development up to 4 dwelling units per acre in this area; the Applicant is proposing a density of 3.10 dwelling units per acre.
- Standard *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.*
- Analysis The proposed rezoning is consistent with the land use and residential density policies in this part of the County as set forth in the Revised General Plan. However, the Applicant's capital facilities contributions do not adequately mitigate the development's impacts.
- Standard *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*
- Analysis The Applicant will be providing 32 Affordable Dwelling Units (ADUs), in accordance with applicable Zoning Ordinance requirements.
- Standard *The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*
- Analysis The proposed design protects many of the natural features of the site. Conservation Design principles as outlined in the Revised General Plan have been applied. An archaeological survey has been conducted on the property and no further archaeological work is recommended; the Civil War era features on the site are proposed to remain undisturbed. An architectural survey of the existing farm complex is also proposed prior to development of the site.

V. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning Department, Community Planning (12/17/03, 3/5/03, 2/26/03)	A-1
b. Building and Development, Zoning Administration (3/12/04, 9/5/03, 1/10/03)	A-17
c. Building and Development, Environmental Review Team (12/17/03, 11/12/02)	A-47
d. Office of Transportation Services (OTS) (10/31/03, 10/1/02)	A-52
e. Virginia Department of Transportation (VDOT) (7/29/03, 1/27/03)	A-57
f. Loudoun County Health Department, Environmental Health (11/12/02)	A-60
g. Loudoun County Sanitation Authority (LCSA) (11/19/02)	A-61
h. City of Fairfax Department of Utilities (8/28/03)	A-62
i. Parks, Recreation and Community Services (PRCS) (8/19/03, 11/13/02)	A-63
j. Goose Creek Scenic River Advisory Committee (8/15/03, 1/31/03)	A-69
k. Virginia Department of Conservation & Recreation (VA-DCR) (11/4/02)	A-73
l. Housing Services (8/6/03, 10/21/02)	A-74
m. Fire and Rescue Services (8/27/03, 10/31/02)	A-76
n. Loudoun County Public Schools (8/13/03, 9/27/02)	A-79
o. Office of the County Attorney (5/13/04)	A-85
2. Disclosure of Real Parties in Interest	A-94
3. Applicant's Statement of Justification (3/26/04)	A-98
4. Applicant's Response to Referral Agency Comments (2/27/04, 7/18/03)	A-113
5. Proffer Statement (5/25/04)	A-135
6. Concept Development Plan (Revised 5/21/04)	Follows A-158

NOTE: Attachments are not available electronically, but may be viewed at the Planning Department Front Counter or in the Building & Development File Room.